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PTO/SB/97 (08-03)

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MALCOLM J. CHISHOLM, Jr.

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The submitted papers are:

1. This Certificate of Transmission under 37 CFR. 1.8;
2. A "Transmittal Form" (1 page); and;
3. An Amendment (9 pages) for U.S. Patent Application No. 10/702,181, filed on 11/05/2003, and entitled "PERFORMRANCE ENHANCING BREAK-IN METHOD FOR A PEM FUEL CELL".

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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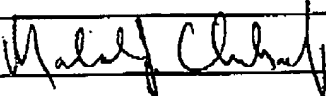
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10702,181 |
| | Filing Date | 11/05/2003 |
| | First Named Inventor | SCHROOTEN, Jeremy A. |
| | Group Art Unit | 1746 |
| | Examiner Name | HODGE, Robert W. |
| Total Number of Pages in This Submission : 10 | Attorney Docket Number | C-3064 |

| ENCLOSURES (check all that apply) | | |
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Malcolm J. Chisholm, Jr., Attorney at Law |
| Signature |  |
| Date | January 26, 2006 |

| CERTIFICATE OF MAILING | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: Jan. 26, 2006 | |
| Typed or printed name | Malcolm J. Chisholm, Jr. |
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Application No. : 10/702,181
Applicant : SCHROOTEN, Jeremy A., et al. Confirmation No. 7541
Filed : 11/05/2003
TC/A.U. : 1746
Examiner : HODGE, Robert W.
Docket No. : C-3064
Amendment Dated : January 26, 2006

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P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Commissioner:

In response to an Advisory Office Action of January 18, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.